

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. CV 17-5528-MCS (KS) Date: April 2, 2021

Title *William Nathaniel Washington v. Jim McDonnell et al*

Present: The Honorable: Karen L. Stevenson, United States Magistrate Judge

Gay Roberson
Deputy Clerk

N/A
Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE: DISMISSAL

Plaintiff, a California state prisoner proceeding *pro se* and *in forma pauperis*, commenced this civil rights action pursuant to 42 U.S.C. § 1983 on July 26, 2017. (Dkt. No. 1.) On October 1, 2020, Plaintiff filed a First Amended Complaint (the “FAC”) (Dkt. No. 108), which is now the operative complaint.

In the FAC, Plaintiff sues the following individuals in their individual and official capacity: Uzo Okoleh, a nurse at the Los Angeles County Jail; Nancy Yamasaki, physician’s assistant employed by the Los Angeles County Jail; Jessica Hopper, a Los Angeles County Sheriff’s Department (“LACSD”) deputy; and Rean Mendoza, a nurse employed by the Los Angeles County Jail. (FAC at 2.) On February 16, 2021, Defendant Mendoza filed a Motion to Dismiss Plaintiff’s Amended Complaint (“Motion to Dismiss”) (Dkt. No. 127), and Defendants Hopper, Okoleh, and Yamasaki filed a Motion for Judgment on the Pleadings (Dkt. No. 129) (collectively, the “Motions”). The Court ordered Plaintiff to file oppositions to the Motions no later than March 10, 2021. (Dkt. No. 130.)

More than three weeks have now passed since the date on which Plaintiff’s oppositions to the Motions were due, and Plaintiff has not filed a response to either the Motion to Dismiss or the Motion for Judgment on the Pleadings. Local Rule 7-12 states that a party’s failure to file a required document such as an opposition to a motion “may be deemed consent to the granting [] of the motion.” Further, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, an action may be subject to involuntary dismissal if a plaintiff “fails to prosecute or to comply with these rules or a court order.” Thus, the Court could properly recommend dismissal of the action for Plaintiff’s failure to oppose the Motions and to timely comply with the Court’s orders.

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However, in the interests of justice, Plaintiff is **ORDERED TO SHOW CAUSE on or before April 23, 2021** why the action should not be dismissed under Local Rule 7-12 and Rule 41(b) of the Federal Rules of Civil Procedure. **To discharge this Order and avoid dismissal, Plaintiff must file one of the following no later than the April 23, 2021 deadline:**

- (1) complete and detailed oppositions to both Motions that fully complies with the Local Rules;
- (2) a request for an extension to file the oppositions accompanied by a sworn declaration (not to exceed 3 pages) establishing good cause for Plaintiff's failure to timely respond to the Motions; or
- (3) a complete and detailed opposition to one Motion and request for an extension of time to file the other.

Alternatively, Plaintiff may discharge this Order and dismiss this case by filing a signed document entitled a "Notice of Voluntary Dismissal" requesting the voluntary dismissal of the action without prejudice pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure.

Plaintiff is cautioned that his failure to timely comply with this order will lead to a recommendation of dismissal based on Local Rule 7-12 and Rule 41 of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

Initials of Preparer

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